

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

AMANDA HARDIN, INDIVIDUALLY, AND
AS NEXT FRIEND OF G.B, A MINOR,
PLAINTIFF,

v.

PUNJAB TRUCKING LLC, FORWARD AIR,
INC., AND KUMAR SUSHIL,
DEFENDANTS.

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CIVIL ACTION NO. 4:22-cv-571

DEFENDANT PUNJ-AAB TRUCKING, INC.'S NOTICE OF REMOVAL

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS:**

COMES NOW Defendant, Punj-Aab Trucking, Inc. (“Defendant” or “Removing Defendant”), and hereby petitions this Court pursuant to 28 U.S.C. §§1332, 1441(b), and 1446 for removal on the basis of diversity jurisdiction to the United States District Court for the Northern District of Texas, Fort Worth Division, of the action numbered and styled *Hardin v. Punjab Trucking LLC, Forward Air, Inc., and Kumar Sushil*; Cause No. 017-332243-22; In the 17th Judicial District Court, Tarrant County, Texas, and in support thereof would respectfully show this Court as follows:

I.

FACTUAL BACKGROUND – TIMELY REMOVAL

1. On March 2, 2022, Plaintiff initiated this State court action by filing Plaintiff’s Original Petition against an improper entity, “Punjab Trucking LLC.”¹ Ex. 3.2. Plaintiff non-suited Punjab Trucking LLC on March 22, 2022. Ex. 3.13. On June 29, 2022, Plaintiff joined the proper, foreign entity, “Punj-Aab Trucking, Inc.,” in Plaintiffs’ First Amended Petition

¹ Co-Defendant Forward Air, Inc., removed this related case on April 8, 2022, but it was remanded by agreement on April 29, 2022. *See Hardin v. Forward Air, Inc., et al.*, No. 4:22-cv-00288-P (N.D. Tex. 2022) (ECF Nos. 1, 14).

(“Petition”). Ex. 3.22. Undersigned counsel accepted service on Defendant’s behalf the same day. This Notice of Removal is filed within thirty (30) days of notice of the Petition and is timely filed under section 1446(b) of the United States Code. 28 U.S.C. § 1446(b). Defendant seeks to remove the matter and is therefore the Removing Defendant.

II.
COMPLETE DIVERSITY OF CITIZENSHIP
EXISTS

2. The district courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties. Plaintiff in this action is a citizen of a different state from Defendants. As a result, complete diversity exists.

3. Plaintiff was a citizen of Potter County, Texas at the time this action was filed. Consequently, Plaintiff was at the time this action was commenced, and is currently, a citizen of the State of Texas and no other state.

4. Defendant Punj-Aab Trucking, Inc., is a corporation formed under the laws of the State of California, having its principal place of business now, and at the time this action was commenced, in the State of California. Defendant Punj-Aab Trucking, Inc., is now, and was at the time this action was commenced, a citizen of the State of California and of no other states.

5. Defendant Forward Air, Inc., is a corporation formed under the laws of the State of Tennessee, having its principal place of business now, and at the time this action was commenced, in the State of Tennessee. Defendant Forward Air, Inc., is now, and was at the time this action was commenced, a citizen of the State of Tennessee and of no other states.

6. Defendant Kumar Sushil was a citizen of the State of California at the time this action was filed. Consequently, Defendant Kumar Sushil was at the time this action was commenced, and is currently, a citizen of the State of California and no other state.

III.
BASIS FOR REMOVAL

7. This Court has diversity jurisdiction pursuant to 28 U.S.C. §1332 because (1) complete diversity exists between Plaintiff, that is a citizen of the State of Texas, and the Defendants, which are a citizens of the States of California and Tennessee; and (2) the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* Ex. 3.22 (Pltf. Pet.), ¶¶ IV (Parties), II (relief sought).

8. *All Defendants consent to the removal of this matter.*

IV.
REMOVAL HAS BEEN PROPERLY EFFECTED

9. In accordance with 28 U.S.C. §1446(a) and Local Rule 81.1, the following documents are attached hereto as exhibits:

Exhibit “1” – Civil Cover Sheet;

Exhibit “2” – Supplemental Civil Cover Sheet;

Exhibit “3” - Each document filed in the state court action, except discovery materials;

Exhibit “4” - A separately signed certificate of interested persons that complies with Local Rule 3.1(c) or 3.2(e); and

Exhibit “5” - Defendant Punj-Aab Trucking, Inc.’s Notice of Related Case.

10. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place where the removed action has been pending.

11. Plaintiff demanded a jury trial. *See* Ex. 3.22 (Pltf. Pet.), ¶XI.

12. Removing Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

V.
NO WAIVER

13. By virtue of this Notice of Removal, Removing Defendant does not waive its rights to assert any claims or other motions, including Rule 12 motions, permitted by the Federal Rules of Civil Procedure.

VI.
CONCLUSION

14. The removing Defendant prays that the filing of this Notice of Removal, the giving of written notice thereof to the Plaintiff, and the filing of a copy of this Notice of Removal with the Clerk of this Court shall effect removal of said suit to this Court.

Respectfully submitted,

By: /s/ Matthew A. Ford
MATTHEW A. FORD
State Bar No. 24079875
matthew@principledclaims.com

LAW OFFICE OF MATTHEW A. FORD
1301 Solana Boulevard
Suite 2100
Westlake, Texas
(817) 865-1953 Voice/Fax

ATTORNEYS FOR DEFENDANTS
PUNJ-AAB TRUCKING, INC. AND
KUMAR SUSHIL

CERTIFICATE OF SERVICE

The undersigned certifies that on the 5th day of July, 2022, a true and correct copy of the foregoing document was served by a manner authorized by Federal Rules of Civil Procedure 5(b)(2) upon the following counsel:

Blake A. Scott
State Bar No. 24108307
blake@deanboyd.com
Taylor L. Seaton
State Bar No. 24115727
taylor@deanboyd.com
Dean Boyd
State Bar No. 02766300
dean@deanboyd.com
Attorney Dean Boyd, PLLC
4423 Southwest 45th Avenue
Amarillo, Texas 79109
Telephone: (806) 242-3333
Facsimile: (806) 322-3167
Attorneys for Plaintiff

Clinton V. Cox, IV
State Bar No. 24040738
ccox@coxpllc.com
Gregory R. Brenner
State Bar No. 24027052
gbrenner@coxpllc.com
Cox, PLLC
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231
Tel: (214) 444-7050
Fax: (469) 340-1884
Attorneys for Defendant
Forward Air, Inc.
Counsel for Defendant
Forward Air, Inc.

/s/ Matthew A. Ford
MATTHEW A. FORD